

NEGATIVE DECLARATION

July 27, 2006

Project Name: Bloom Minor Grading Permit

Project Number(s): Grading Permit #1026-20050080, Log No. 05-14-017

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Biological Resources

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY

1. Prior to approval of grading permits or improvement plans, the applicant shall:
 - a. Grant to the County of San Diego and the California Department of Fish and Game an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Open Space Exhibit dated **May 19, 2006** on file with the Department of Planning and Land Use as Environmental Review Number 05-14-017. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exceptions to this prohibition are:

- I. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts, and any subsequent amendments thereto.

- II. Installation and maintenance of a reserve leach field for the primary single-family residence as shown on the Open Space Exhibit dated **May 19, 2006** on file with the Department of Planning and Land Use as Environmental Review Number 05-14-017 on the occasion use of the reserve leach field is required by the Department of Environmental Health.
- b. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated May 19, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-017. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:
 - I. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
 - II. Decking, fences, and similar facilities.
 - III. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

- c. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Fencing and Signage Exhibit dated **May 19, 2006** on file with the Department of Planning and Land Use as Environmental Review Number 05-14-017. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and
Land Use
Ref: ER 05-14-017"

2. Prior to obtaining any building or grading permit, the applicant shall:
 - a. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The applicant shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed

disturbance. The temporary fencing shall be removed after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

3. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:
 - a. Install permanent fences or walls to protect dedicated open space from inadvertent disturbance by grading, brushing or clearing. Permanent fences or walls are required in all locations of the project as shown on the Open Space Fencing and Signage Exhibit dated **May 19, 2006** on file with the Department of Planning and Land Use as Environmental Review Number 05-14-017. The fence or wall shall be a minimum of four feet (4') high. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been installed. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. The permanent fencing condition shall be released on a parcel-by-parcel basis.
4. Cause to be placed on grading and/ or improvement plans, the following:
 - a. "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub habitat during the breeding season of the California gnatcatcher. This is defined as occurring between March 1 and August 15. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no California gnatcatcher are present in the vicinity of the brushing, clearing or grading."

July 27, 2006

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director of the Department of Planning and Land Use (DPLU)

on _____

ALYSSA MAXSON, Planning Manager
Regulatory Planning Division

AM:MH:jcr

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